

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2, 9, 19 and 28 are currently being cancelled.

Claims 1, 3, 4, 8, 10-14, 18, 20-23, 27 and 29-31 are currently being amended.

Claims 35-38 are currently being added.

This amendment adds, cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-8, 10-18, 20-27 and 29-38 are now pending in this application.

Specification Amendments:

The specification has been amended to correct minor grammatical and typographical errors. No new matter has been added.

35 U.S.C. § 112, 1st paragraph rejection of Claims 2-3, 8-10, 12-14, 21 and 27-30:

In the Office Action, claims 2-3, 8-10, 12-14, 21 and 27-30 were rejected under 35 U.S.C. § 112, 1st paragraph, as failing to comply with the enablement requirement, for the reasons set forth on pages 2 and 3 of the Office Action. This rejection is traversed for the reasons given below.

In its rejection of claims 2-3, 9-10 and 28-29, the Office Action asserts that “the applicant is claiming a specifier that is able to identify if the information distributed was used or not. The specification does not enable one of ordinary skill in the art to understand how the specifier knows weather (sic) or not the distributed data has been used thus how is it then that the data distributor is notified after the travel, how is it that travel is finished and what is the information that it’s being notified about what distribution data is being specified.”

In reply, as clearly described on page 38, line 25 et seq. of the specification, when a user makes use of the distribution data sent to him/her, the user 102 operates an input operator (e.g., a button) in the wireless terminal 101A. Further, as clearly described on page 39, lines 9-11 of the specification, the sending back operation may be automatically carried out by detecting the finish of the travel in a timer circuit or a clock device built in the wireless terminal 101A.

Since the user/traveler's entire schedule has been previously mapped out and stored in the schedule table, the determination of the finish of travel is relatively simple process. Also, the determination of which of the distributed data is actually used by the user/traveler, based on the user/traveler operating a button or the like (e.g., the claimed scheduler) on the wireless terminal at a time when the distributed data has been provided to the user/traveler via his/her wireless terminal, is clearly described in the specification.

However, in the interest of expediting prosecution, claim 1 and other related claims that recite similar subject matter have been amended to clearly recite that a user operation is utilized to specify the presence of use of the distribution data. With respect to claim 3 and other related claims that recite similar subject matter, based on the schedule table, the travel information distribution system "knows" where the user/traveler should be when a particular distribution data is provided to the user/traveler, and thus there is clear enablement for the claimed "place specifier."

With respect to claims 8, 21 and 30, the Office Action asserts that these claims recite a tolerance calculator in which multiplying is done, but such features are not recited in these claims. Rather, tolerances are determined, such as described on page 35 of the specification.

With respect to dependent claims 12-14, in which multiplying is claimed, such features are clearly described on page 35 of the specification. However, in the interest of expediting prosecution, these claims have been amended to clarify the tolerance determination procedure, as described on page 35 of the specification.

As to the two questions posed on pages 2 and 3 of the Office Action, claims 12-14 have been amended to clarify how the time tolerances are calculated, so as to obviate the issues raised in the Office Action regarding enablement.

With respect to claim 27, that claim is directed to the second modified embodiment described on page 40 et seq. of the specification, whereby a position detector, such as a GPS unit, may be provided on the wireless terminal 101B to determine its precise current position. The “border position” information is provided beforehand based on known data of particular landmarks that can be downloaded from the Internet, for example. As recited in claim 27, the ‘border positions’ are with respect to ‘destinations’, and thus each particular destination on the traveler’s itinerary has a respective border position that defines the meets and bounds of the destination (e.g., the entire city of New York, or the geographical area that corresponds to The Metropolitan Opera in New York City). Accordingly, it is believed that claim 27 is fully enabled by the specification.

35 U.S.C. § 112, 2nd paragraph rejection of Claims 1-34:

In the Office Action, claims 1-34 were rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite, because they allegedly “appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.”

By way of this amendment and reply, the presently pending claims have been amended to more clearly recite the present invention and to remove any grammatical and idiomatic errors.

Claim Rejections – Prior Art:

In the Office Action, claims 1-3, 8-10, 18-20 and 27-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,948,040 to DeLorme et al.; claims 21 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLorme et al.; claims 5-7, 12-17, 24-26 and 32-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLorme et al. in view of U.S. Patent No. 6,639,550 to Knockheart et al.; and claims 4, 11, 22-23 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLorme et al. in view of U.S. Patent No. 6,336,072 to Takayama et al. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

In its rejection of claim 2, whereby those features have now been incorporated to presently pending independent claim 1, the Office Action asserts that column 29, lines 28-30

of DeLorme discloses the features recited in this claim. Applicant respectfully disagrees. In claim 1, a specifier comprises an input device provided on the wireless terminal in which operation of the input device by the user when the distribution data is provided on a display of the wireless device signifies the presence of use of the distribution data, and non-operation of the input device by the user when the distribution data is provided on the display of the wireless device signifies the absence of use of the distribution data.

Column 29, lines 28-30 of DeLorme et al., on the other hand, merely describes software for routing that facilitates input of a user's proposed initial departure point or START and proposed final destination or FINISH, in order to compute one or more optimal routes according to user selected parameters. This user-inputted data described in DeLorme et al. has nothing at all to do with a user 'tagging' whether or not he/she actually used distribution data provided to his/her wireless terminal by a data distributor over a network.

Accordingly, presently pending independent claim 1 is not anticipated by DeLorme et al.

Similarly, claim 3 has been amended to place that claim in independent form, whereby the claimed "place specifier" and features associated therewith are not disclosed or suggested by DeLorme et al.

Each of the other presently pending independent claims has been amended in a manner similar to either claim 1 or claim 3, and thus those claims are also not disclosed or suggested by DeLorme et al.

With respect to dependent claims 21 and 30, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over DeLorme et al., the Office Action correctly recognizes that DeLorme et al. fails to teach the calculation of a tolerance, but incorrectly asserts that it would have been obvious that if the management system is finding a dining option that still allows the traveler to meet their flight that a calculation is taking place to determine if the time difference between the current time and the time need to make the flight allow for the dining.

This assertion made in the Office Action does not appreciate the specific features recited in claims 21 and 30, with the tolerances being based in part on a particular mode of

travel being used by the user. In particular, if a user is currently traveling by train, the tolerance may be 5 minutes, and if the user is currently traveling by bus, the tolerance may be 15 minutes. Such use of different tolerances based on the current mode of travel by the user is not disclosed, taught or suggested by DeLorme et al., and certainly is not obvious to one skilled in the art based on the teachings of DeLorme et al.

Accordingly, claims 21 and 30 are patentable due to these additional reasons, beyond those given above with respect to their respective base claims.

With respect to the rejection of dependent claims 12-14 based in part on the teachings of Knockheart, Knockheart is directed to a system that detects when a vehicle operator has deviated from a planned route, and that replans a new route to the destination using an in-vehicle map database. While column 23, lines 29-39 of Knockheart describes the use of tolerances that correspond to allowable disparity between a GPS and a dead reckoning location estimate, this has nothing at all to do with the claimed tolerances that are used to notify a user of new distribution data, but rather are related to recomputing a vehicle location due to the aging of GPS data. That is, Knockheart's use of tolerances are to precisely compute a vehicle location, and are not utilized to determine how early in time to provide updated route information to a vehicle operator.

Accordingly, claims 12-14 are patentable for these additional reasons, beyond the reasons given above with respect to their respective base claims.

New Claims:

New claims 35-38 have been added to recite a feature in which most recent information of a reference place is provided to a wireless terminal by way of the data distributor accessing the Internet prior to providing the information to the wireless terminal, whereby such features are believed to provide a separate basis for patentability of these claims.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date October 25, 2005

By Phillip J. Articola

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

David A. Blumenthal
Registration No. 26,257

Phillip J. Articola
Registration No. 38,819